

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JASON M. RUSSELL,**

**Plaintiff,**

**v.**

**Civil Action 2:11-cv-1158  
Judge George C. Smith  
Magistrate Judge Deavers**

**STATE OF OHIO, *et al.*,**

**Defendants.**

**ORDER**

Plaintiff, Jason M. Russell, a state inmate who is proceeding without the assistance of counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants,<sup>1</sup> seeking declaratory and injunctive relief. This matter is before the Court for consideration of the March 14, 2012 Report and Recommendation of the United States Magistrate Judge (ECF No. 7) and Plaintiff's Objections to the Report and Recommendation (ECF No. 10).<sup>2</sup>

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<sup>1</sup>Plaintiff names numerous Defendants in his Complaint, including fellow inmates and also employees of Ohio Department of Rehabilitation and Correction ("ODRC"), Lebanon Correctional Institution ("LCI"), and Mansfield Correctional Institution ("MCI"), all of whom he names in both their individual and official capacities.

<sup>2</sup>Plaintiff titles his filing as a "Motion for Declaratory Judgment and Amended Petition for Preliminary/Temporary Injunctive Relief in Objection to Declare Void Magistrate's Report and Recommendation with Submission of 'Further (Supplemental) Evidence in Support.'" (ECF No. 10.) Upon review of the substance of the filing, it appears that Plaintiff is objecting to the March 14, 2012 Report and Recommendation. For example, Plaintiff asserts that he is seeking declaratory and injunctive relief against the Report and Recommendation. *Id.* at 2. He then proceeds to challenge various portions of the Report and Recommendation. *See Id.* at 4, 6–9, 14–15. Plaintiff's Motion is, therefore, appropriately characterized as his Objections to the Report and Recommendation, and the Court treats the filing as such.

Plaintiff filed a timely objection to the Report and Recommendation under Federal Rule of Civil Procedure 72(b). If a party objects within the allotted time to a report and recommendation, the Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The Court has reviewed the Report and Recommendation and Plaintiff’s Objections in accordance with 28 U.S.C. § 636(b)(1) and Rule 72(b). Because the decision and analysis of the Magistrate Judge is correct, the Court **ADOPTS** the March 14, 2012 Report and Recommendation (ECF No. 7), **OVERRULES** Plaintiff’s Objections (ECF No. 10), **DISMISSES** this action in its entirety under §§ 1915(e)(2) and 1915A for failure to state claim upon which relief can be granted, and **DENIES** Plaintiff’s motions for a temporary restraining order and preliminary injunction. (ECF Nos. 3 and 4). Additionally, Plaintiff’s Motion Requesting the Clerk to Certify Plaintiff’s Documents is **MOOT**.

**IT IS SO ORDERED.**

/s/ *George C. Smith*  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**